

### **REMARKS**

This responds to the Office Action dated April 26, 2006, and the references cited therewith.

Claims 6 and 12 are amended. Claims 1-17 are now pending in this application.

#### **Objection to the Drawings**

Applicant notes the objection to the drawings and respectfully requests that the objection be held in abeyance until an indication of allowable subject matter is received.

#### **Objection to the Claims**

Claim 12 has been amended to correct a minor typographical error. Applicant respectfully request withdrawal of this objection.

#### **§112 Rejection of the Claims**

Claim 6 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 6 has been amended in a manner believed to overcome the rejection.

#### **§102 and §103 Rejection of the Claims**

Claims 1-7 and 9-16 were rejected under 35 U.S.C. § 102(e) as being anticipated by Levine et al. (U.S. Patent No. 6,748,274). Claims 8 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Levine et al. (U.S. Patent No. 6,748,274) in view of Palmer et al. (U.S. Patent No. 5,830,150). The rejections are traversed and reconsideration is respectfully requested.

Claims 1 and 11 recite systems that display a plurality of representative electrograms as an aggregate. In claim 1, each of the representative electrograms is derived from one or more electrograms recorded during a defined time period. In claim 11, each of the representative electrograms is derived from one or more electrograms recorded when the heart rate is within the defined range. When read in light of the specification and Figs. 2B and 3B, an aggregate display

of the representative electrograms refers to a display in which the plurality of electrograms are overlain upon one another in order to facilitate visual comparison of the representative electrograms. Applicant is unable to find any teaching or suggestion in the Levine reference for generating a plurality of representative electrograms each of which represents a different defined time period or for generating a plurality of representative electrograms each of which represents a different heart rate range. Applicant is also unable to find any teaching or suggestion in the Levine reference for displaying a plurality of electrograms as an aggregate. In order for a reference to anticipate a claim, each and every element of the claim must be taught by the reference. Applicant believes that claims 1 and 11 are patentable over the prior art of record and respectfully requests withdrawal of the rejections.

Dependent claims 2-10 and 12-17 recite additional limitations to the subject matter recited by claims 1 and 11, respectively, which particularize the manner in which the representative electrograms are generated or displayed as an aggregate. Applicant finds no teaching or suggestion in either the Levine or Palmer reference for those limitations. In particular, the color coding described in the Palmer reference appears to be applied to the magnitude of a signal and not to differentiate representative electrograms displayed as an aggregate. Applicant therefore believes that claims 2-10 and 12-17 are patentable over the prior art of record and respectfully requests withdrawal of the rejections.

Serial Number: 10/723,254

Filing Date: November 26, 2003

Title: MORPHOLOGY-BASED DIAGNOSTIC MONITORING OF ELECTROGRAMS BY IMPLANTABLE CARDIAC DEVICE

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (847) 432-7302 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,


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By

  
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EES-Web, and is addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 26 day of July, 2006.

Name

Signature